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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/537,449	01/09/2006	Bernd Schwenzer	101215-189	1690
27387	7590	09/01/2006		EXAMINER
NORRIS, MCLAUGHLIN & MARCUS, P.A. 875 THIRD AVE 18TH FLOOR NEW YORK, NY 10022			SHIN, DANA H	
			ART UNIT	PAPER NUMBER
			1635	

DATE MAILED: 09/01/2006

Please find below and/or attached an Office communication concerning this application or proceeding.



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APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
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10/537,449

SCHWENZER ET AL.

EXAMINER

DANA H. SHIN

ART UNIT

PAPER

1635 20060817

DATE MAILED:

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner for Patents

This Office communication is necessitated by errors in the CRF filed on July 27, 2006. It is found that the CRF is defective because it does not comply with sequence rules set forth in 37 CFR 1.823. See the attached CRF problem report for more information. In summary, applicants are encouraged to enter the correct database entry date for Accession number AF015950 along with the correct numeric identifier listed in the Table shown in 37 CFR 1.823 (b).

This application contains sequence disclosures that are encompassed by the definitions for nucleotide and/or amino acid sequences set forth in 37 CFR 1.821(a)(1) and (a)(2). However, this application fails to comply with the requirements of 37 CFR 1.821 through 1.825 for the reason(s) set forth on the attached Notice To Comply With Requirements For Patent Applications Containing Nucleotide Sequence And/Or Amino Acid Sequence Disclosures.

Applicants are encouraged to carefully review the entire application and ensure full compliance with all sequence rules. Applicant is given ONE MONTH, or THIRTY DAYS, whichever is longer, from the mailing date of this letter within which to comply with the sequence rules, 37 CFR 1.821 - 1.825. Failure to comply with these requirements will result in ABANDONMENT of the application under 37 CFR 1.821(g). Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a). In no case may an applicant extend the period for reply beyond the SIX MONTH statutory period. Direct the reply to the undersigned. Applicant is requested to return a copy of the attached Notice to Comply with the reply.

JZ TC 160
JANE ZARA, PH.D.
PRIMARY EXAMINER

NOTICE TO COMPLY WITH REQUIREMENTS FOR PATENT APPLICATIONS CONTAINING NUCLEOTIDE SEQUENCE AND/OR AMINO ACID SEQUENCE DISCLOSURES

Applicant must file the items indicated below within the time period set the Office action to which the Notice is attached to avoid abandonment under 37 CFR §1.821(g). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

The nucleotide and/or amino acid sequence disclosure contained in this application does not comply with the requirements for such a disclosure as set forth in 37 C.F.R. §§1.821 - 1.825 for the following reason(s):

- 1. This application clearly fails to comply with the requirements of 37 C.F.R. §§1.821-1.825. Applicants attention is directed to the final rulemaking notice published at 55 FR 18230 (May 1, 1990), and 1114 OG 29 (May 15, 1990). If the effective filing date is on or after July 1, 1998, see the final rulemaking notice published at 63 FR 29620 (June 1, 1998) and 1211 OG 82 (June 23, 1998).
- 2. This application does not contain, as a separate part of the disclosure on paper copy, a Sequence Listing as required by 37 C.F.R. §1.821(c).
- 3. A copy of the Sequence Listing in computer readable form has not been submitted as required by 37 C.F.R. §1.821(e).
- 4. A copy of the Sequence Listing in computer readable form has been submitted. However, the content of the computer readable form does not comply with the requirements of 37 C.F.R. §1.822 and/or 1.823, as indicated on the attached copy of the marked-up Raw Sequence Listing.
- 5. The computer readable form that has been filed with this application has been found to be damaged and/or unreadable as indicated on the attached CRF Diskette Problem Report. A Substitute computer readable form must be submitted as required by 37 C.F.R. §1.825(d).
- 6. The paper copy of the Sequence Listing is not the same as the computer readable from of the Sequence Listing as required by 37 C.F.R. §1.821(e).
- 7. Other:

Applicant Must Provide:

- An initial or substitute computer readable form (CRF) copy of the Sequence Listing. (If the unidentified sequences are not provided on the CRF)
- An initial or substitute paper copy of the Sequence Listing, as well as an amendment directing its entry into the specification. (If the unidentified sequences are not provided in the paper copy)
- A statement that the content of the paper and computer readable copies are the same and, where applicable, include no new matter, as required by 37 C.F.R. §1.821(e) or 1.821(f) or 1.821(g) or 1.825(b) or 1.825(d). (If a new paper and/or CRF are required)

For questions regarding compliance to these requirements, please contact:

For Rules Interpretation, call (703) 308-4216

For CRF Submission Help, call (703) 308-4212

PatentIn Software Program Support

Technical Assistance.....703-287-0200

To Purchase PatentIn Software.....703-306-2600

PLEASE RETURN A COPY OF THIS NOTICE WITH YOUR REPLY

STIC Biotechnology Systems Branch

RAW SEQUENCE LISTING ERROR REPORT

The Biotechnology Systems Branch of the Scientific and Technical Information Center (STIC) detected errors when processing the following computer readable form:

Application Serial Number: 10/537,449
Source: IFW/b
Date Processed by STIC: 8/1/06

THE ATTACHED PRINTOUT EXPLAINS DETECTED ERRORS.

PLEASE FORWARD THIS INFORMATION TO THE APPLICANT BY EITHER:

- 1) **INCLUDING A COPY OF THIS PRINTOUT IN YOUR NEXT COMMUNICATION TO THE APPLICANT, WITH A NOTICE TO COMPLY or,**
- 2) **TELEPHONING APPLICANT AND FAXING A COPY OF THIS PRINTOUT, WITH A NOTICE TO COMPLY**

FOR CRF SUBMISSION AND PATENTIN SOFTWARE QUESTIONS, PLEASE CONTACT MARK SPENCER, TELEPHONE: 571-272-2510; FAX: 571-273-0221

TO REDUCE ERRORED SEQUENCE LISTINGS, PLEASE USE THE CHECKER VERSION 4.4.0 PROGRAM, ACCESSIBLE THROUGH THE U.S. PATENT AND TRADEMARK OFFICE WEBSITE. SEE BELOW FOR ADDRESS:

<http://www.uspto.gov/web/offices/pac/checker/chkrnote.htm>

Applicants submitting genetic sequence information electronically on diskette or CD-Rom should be aware that there is a possibility that the disk/CD-Rom may have been affected by treatment given to all incoming mail.

Please consider using alternate methods of submission for the disk/CD-Rom or replacement disk/CD-Rom.

Any reply including a sequence listing in electronic form should NOT be sent to the 20231 zip code address for the United States Patent and Trademark Office, and instead should be sent via the following to the indicated addresses:

1. **EFS-Bio (<<http://www.uspto.gov/ebc/efs/downloads/documents.htm>>, EFS Submission User Manual - ePAVE)**
2. **U.S. Postal Service: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450**
3. **Hand Carry, Federal Express, United Parcel Service, or other delivery service (EFFECTIVE 01/14/05):
U.S. Patent and Trademark Office, Mail Stop Sequence, Customer Window, Randolph Building, 401 Dulany Street, Alexandria, VA 22314**

Revised 01/10/06

Raw Sequence Listing Error Summary

ERROR DETECTED

SUGGESTED CORRECTION

SERIAL NUMBER:

10/537,449

ATTN: NEW RULES CASES: PLEASE DISREGARD ENGLISH "ALPHA" HEADERS, WHICH WERE INSERTED BY PTO SOFTWARE

- 1 Wrapped Nucleics
Wrapped Aminos The number/text at the end of each line "wrapped" down to the next line. This may occur if your file was retrieved in a word processor after creating it. Please adjust your right margin to .3; this will prevent "wrapping."
- 2 Invalid Line Length The rules require that a line not exceed 72 characters in length. This includes white spaces.
- 3 Misaligned Amino Numbering The numbering under each 5th amino acid is misaligned. Do not use tab codes between numbers; use space characters, instead.
- 4 Non-ASCII The submitted file was not saved in ASCII(DOS) text, as required by the Sequence Rules. Please ensure your subsequent submission is saved in ASCII text.
- 5 Variable Length Sequence(s) _____ contain n's or Xaa's representing more than one residue. Per Sequence Rules, each n or Xaa can only represent a single residue. Please present the maximum number of each residue having variable length and indicate in the <220>-<223> section that some may be missing.
- 6 PatentIn 2.0 "bug" A "bug" in PatentIn version 2.0 has caused the <220>-<223> section to be missing from amino acid sequences(s) _____. Normally, PatentIn would automatically generate this section from the previously coded nucleic acid sequence. Please manually copy the relevant <220>-<223> section to the subsequent amino acid sequence. This applies to the mandatory <220>-<223> sections for Artificial or Unknown sequences.
- 7 Skipped Sequences (OLD RULES) Sequence(s) _____ missing. If intentional, please insert the following lines for each skipped sequence:
(2) INFORMATION FOR SEQ ID NO:X: (insert SEQ ID NO where "X" is shown)
(i) SEQUENCE CHARACTERISTICS: (Do not insert any subheadings under this heading)
(xi) SEQUENCE DESCRIPTION:SEQ ID NO:X: (insert SEQ ID NO where "X" is shown)
This sequence is intentionally skipped
Please also adjust the "(ii) NUMBER OF SEQUENCES:" response to include the skipped sequences.
- 8 Skipped Sequences (NEW RULES) Sequence(s) _____ missing. If intentional, please insert the following lines for each skipped sequence.
<210> sequence id number
<400> sequence id number
000
- 9 Use of n's or Xaa's (NEW RULES) Use of n's and/or Xaa's have been detected in the Sequence Listing.
Per 1.823 of Sequence Rules, use of <220>-<223> is MANDATORY if n's or Xaa's are present.
In <220> to <223> section, please explain location of n or Xaa, and which residue n or Xaa represents.
- 10 Invalid <213> Response Per 1.823 of Sequence Rules, the only valid <213> responses are: Unknown, Artificial Sequence, or scientific name (Genus/species). <220>-<223> section is required when <213> response is Unknown or is Artificial Sequence. (see item 11 below)
- 11 Use of <220> Sequence(s) _____ missing the <220> "Feature" and associated numeric identifiers and responses. Use of <220> to <223> is MANDATORY if <213> "Organism" response is "Artificial Sequence" or "Unknown". Please explain source of genetic material in <220> to <223> section or use "chemically synthesized" as explanation. (See "Federal Register," 06/01/1998, Vol. 63, No. 104, pp. 29631-32), also Sec. 1.823 of Sequence Rules
- 12 PatentIn 2.0 "bug" Please do not use "Copy to Disk" function of PatentIn version 2.0. This causes a corrupted file, resulting in missing mandatory numeric identifiers and responses (as indicated on raw sequence listing). Instead, please use "File Manager" or any other manual means to copy file to floppy disk.
- 13 Misuse of n/Xaa "n" can only represent a single nucleotide; "Xaa" can only represent a single amino acid



IFW16

RAW SEQUENCE LISTING

PATENT APPLICATION: US/10/537,449

DATE: 08/01/2006

TIME: 10:08:44

Input Set : A:\PTO.KD.txt

Output Set: N:\CRF4\08012006\J537449.raw

3 <110> APPLICANT: Technische Universitat Dresden

5 <120> TITLE OF INVENTION: Polynucleotides Targeted Against Hert and Use

Thereof

7 <130> FILE REFERENCE: 101215-189-2

9 <140> CURRENT APPLICATION NUMBER: 10/537,449

C--> 10 <141> CURRENT FILING DATE: 2006-01-09

12 <160> NUMBER OF SEQ ID NOS: 18

14 <170> SOFTWARE: PatentIn Ver. 2.1

16 <210> SEQ ID NO: 1

17 <211> LENGTH: 75

18 <212> TYPE: DNA

19 <213> ORGANISM: Homo sapiens

21 <220> FEATURE:

22 <221> NAME/KEY: mRNA

23 <222> LOCATION: (1)..(75)

24 <223> OTHER INFORMATION: subunit 2176-2250 of hTERT (Accession AF015950)

26 <400> SEQUENCE: 1

27 cttgtcaag gtggatgtga cggcgcgta cgacaccatc cccaggaca ggctcacgga 60

28 ggtcatcgcc agcat

75

31 <210> SEQ ID NO: 2

32 <211> LENGTH: 98

33 <212> TYPE: DNA

34 <213> ORGANISM: Homo sapiens

36 <220> FEATURE:

37 <221> NAME/KEY: mRNA

38 <222> LOCATION: (1)..(98)

39 <223> OTHER INFORMATION: subunit 2296-2393 of hTERT (Accession AF015950)

41 <400> SEQUENCE: 2

42 ccagaaggcc gcccatgggc acgtccgaa ggccttcaag agccacgtct ctaccttgac 60

98

43 agacctccag ccgtacatgc gacagttcgt ggctcacc

46 <210> SEQ ID NO: 3

47 <211> LENGTH: 23

48 <212> TYPE: DNA

49 <213> ORGANISM: Homo sapiens

51 <220> FEATURE:

52 <221> NAME/KEY: mRNA

53 <222> LOCATION: (1)..(23)

54 <223> OTHER INFORMATION: subunit 2183-2205 of hTERT (Accession AF015950)

56 <400> SEQUENCE: 3

57 aagggtggatg tgacggcgca gta

60 <210> SEQ ID NO: 4

61 <211> LENGTH: 20

62 <212> TYPE: DNA

63 <213> ORGANISM: Homo sapiens

Does Not Comply
Corrected Diskette Needed

see 1.823

of
Sequence
Rules

(Accession AF015950)

Pg I: Per 1.823 of 23
 sequence rules, database accession
 numbers need to be listed, along with
 accession date, as shown below
 <3007<- no response. it is a "header"
 <3007 AF015950
 <3097<- list accession date on this line 8/1/2006

RAW SEQUENCE LISTING
PATENT APPLICATION: US/10/537,449

DATE: 08/01/2006
TIME: 10:08:44

Input Set : A:\PTO.KD.txt
Output Set: N:\CRF4\08012006\J537449.raw

65 <220> FEATURE:
66 <221> NAME/KEY: mRNA
67 <222> LOCATION: (1)..(20)
68 <223> OTHER INFORMATION: subunit 2206-2225 of hTERT (Accession AF015950)
70 <400> SEQUENCE: 4
71 cgacaccatc ccccaggaca
74 <210> SEQ ID NO: 5
75 <211> LENGTH: 20
76 <212> TYPE: DNA
77 <213> ORGANISM: Homo sapiens
79 <220> FEATURE:
80 <221> NAME/KEY: mRNA
81 <222> LOCATION: (1)..(20)
82 <223> OTHER INFORMATION: subunit 2315-2334 of hTERT (Accession AF015950)
84 <400> SEQUENCE: 5
85 cacgtccgca aggccttcaa
88 <210> SEQ ID NO: 6
89 <211> LENGTH: 20
90 <212> TYPE: DNA
91 <213> ORGANISM: Homo sapiens
93 <220> FEATURE:
94 <221> NAME/KEY: mRNA
95 <222> LOCATION: (1)..(20)
96 <223> OTHER INFORMATION: subunit 2317-2336 of hTERT (Accession AF015950)
98 <400> SEQUENCE: 6
99 cgtccgcaag gccttcaaga
102 <210> SEQ ID NO: 7
103 <211> LENGTH: 23
104 <212> TYPE: DNA
105 <213> ORGANISM: Homo sapiens
107 <220> FEATURE:
108 <221> NAME/KEY: mRNA
109 <222> LOCATION: (1)..(23)
110 <223> OTHER INFORMATION: subunit 2324-2346 of hTERT (Accession AF015950)
112 <400> SEQUENCE: 7
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116 <210> SEQ ID NO: 8
117 <211> LENGTH: 20
118 <212> TYPE: DNA
119 <213> ORGANISM: Homo sapiens
121 <220> FEATURE:
122 <221> NAME/KEY: mRNA
123 <222> LOCATION: (1)..(20)
124 <223> OTHER INFORMATION: subunit 2331-2350 hTERT (Accession AF015950)
126 <400> SEQUENCE: 8
127 tcaagagcca cgtctctacc
130 <210> SEQ ID NO: 9
131 <211> LENGTH: 20
132 <212> TYPE: DNA

RAW SEQUENCE LISTING DATE: 08/01/2006
 PATENT APPLICATION: US/10/537,449 TIME: 10:08:44

Input Set : A:\PTO.KD.txt
 Output Set: N:\CRF4\08012006\J537449.raw

133 <213> ORGANISM: Homo sapiens
 135 <220> FEATURE:
 136 <221> NAME/KEY: mRNA
 137 <222> LOCATION: (1)..(20)
 138 <223> OTHER INFORMATION: subunit 2333-2352 of hTERT (Accession AF015950)
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 141 aagagccacg tctctacatt 20
 144 <210> SEQ ID NO: 10
 145 <211> LENGTH: 20
 146 <212> TYPE: DNA
 147 <213> ORGANISM: Artificial Sequence
 149 <220> FEATURE:
 150 <223> OTHER INFORMATION: Description of Artificial Sequence: hTERT-AS

ASel

151 2206-2225
 153 <400> SEQUENCE: 10
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 157 <210> SEQ ID NO: 11
 158 <211> LENGTH: 20
 159 <212> TYPE: DNA
 160 <213> ORGANISM: Artificial Sequence
 162 <220> FEATURE:
 163 <223> OTHER INFORMATION: Description of Artificial Sequence: hTERT-AS

ASel

164 2315-2334
 166 <400> SEQUENCE: 11
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 170 <210> SEQ ID NO: 12
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 172 <212> TYPE: DNA
 173 <213> ORGANISM: Artificial Sequence
 175 <220> FEATURE:
 176 <223> OTHER INFORMATION: Description of Artificial Sequence: hTERT-AS

ASel

177 2317-2336
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 183 <210> SEQ ID NO: 13
 184 <211> LENGTH: 20
 185 <212> TYPE: DNA
 186 <213> ORGANISM: Artificial Sequence
 188 <220> FEATURE:
 189 <223> OTHER INFORMATION: Description of Artificial Sequence: hTERT-AS

ASel

190 2331-2350
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 197 <211> LENGTH: 20
 198 <212> TYPE: DNA
 199 <213> ORGANISM: Artificial Sequence
 201 <220> FEATURE:
 202 <223> OTHER INFORMATION: Description of Artificial Sequence: hTERT-AS

ASTel

RAW SEQUENCE LISTING
PATENT APPLICATION: US/10/537,449

DATE: 08/01/2006
TIME: 10:08:44

Input Set : A:\PTO.KD.txt
Output Set: N:\CRF4\08012006\J537449.raw

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 205 <400> SEQUENCE: 14
 206 aaggtagaga cgtggcttt 20
 209 <210> SEQ ID NO: 15
 210 <211> LENGTH: 20
 211 <212> TYPE: DNA
 212 <213> ORGANISM: Artificial Sequence
 214 <220> FEATURE:
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 217 <400> SEQUENCE: 15
 218 cagtctcagt actgaagctg 20
 221 <210> SEQ ID NO: 16
 222 <211> LENGTH: 20
 223 <212> TYPE: DNA
 224 <213> ORGANISM: Artificial Sequence
 226 <220> FEATURE:
 227 <223> OTHER INFORMATION: Description of Artificial Sequence: NS-K3
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 230 cagtttcagt actgagactg 20
 233 <210> SEQ ID NO: 17
 234 <211> LENGTH: 501
 235 <212> TYPE: DNA
 236 <213> ORGANISM: Homo sapiens
 238 <220> FEATURE:
 239 <221> NAME/KEY: mRNA
 240 <222> LOCATION: (1)..(501)
 241 <223> OTHER INFORMATION: subunit 2000-2500 of hTERT (Accession AF015950)
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 245 cgggcgcggc gccccggcct cctggggcgc tctgtgtcgg gcctggacga tatccacagg 120
 246 gcctggcgc a cttcggtct gcgtgtgcgg gcccaggacc cgccgcctga gctgtacttt 180
 247 gtcaaggtgg atgtgacggg cgcttacgac accatcccc aggacaggct cacggaggtc 240
 248 atgcccgaca tcatcaaacc ccagaacacg tactgcgtgc gtcggtatgc cgtggccag 300
 249 aaggccgcggc atgggcacgt ccgcaaggcc ttcaagagcc acgtctcac cttgacagac 360
 250 ctccagccgt acatgcgaca gttcggtct cacctgcagg agaccagccc gctgaggat 420
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 262 <222> LOCATION: (1)..(4015)
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 265 <400> SEQUENCE: 18
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 267 ggcgcgtccc cgctgcccggag ccgtgcgtc cctgtgtgcgc agccactacc gcgagggtgtct 120
 268 gccgctggcc aegttcggtgc ggcgcctggg gccccagggc tggccggctgg tgcagcgccgg 180

insufficient explanation
 give source
 of genetic material
 (see item 11
 on Exam
 Summary
 sheet)

RAW SEQUENCE LISTING
PATENT APPLICATION: US/10/537,449

DATE: 08/01/2006
TIME: 10:08:44

Input Set : A:\PTO.KD.txt
Output Set: N:\CRF4\08012006\J537449.raw

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271 ccgagtgtcg cagaggctgt gcgagcgcgg cgcaagaac gtgtggct tcggcttcgc 360
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273 cctgcccac acggtgaccg acgactgcg ggggagcggg gcgtggggc tgctgtcg 480
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277 ctggAACAT agcgtcaggg aggccggggt cccctgggc ctggcagccc cgggtgcgag 720
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313 gcccggccac ggccttattcc cctggtgcgg cctgcgtgt gataccggc ccctggaggt 2880
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316 tcacagcctg ttctggatt tgcaggtaa cagcctccag acgggtgtgc ccaacatcta 3060
317 caagatccctc ctgcgtgcagg cgtacaggtt tcacgcatttca 3120

```

VERIFICATION SUMMARY DATE: 08/01/2006
PATENT APPLICATION: US/10/537,449 TIME: 10:08:45

Input Set : A:\PTO.KD.txt
Output Set: N:\CRF4\08012006\J537449.raw

L:10 M:271 C: Current Filing Date differs, Replaced Current Filing Date